



THE CITY OF SAN DIEGO

## DEVELOPMENT PERMITS Appeal Procedure

CITY OF SAN DIEGO DEVELOPMENT SERVICES  
1222 FIRST AVENUE, MS 302, SAN DIEGO, CA 92101  
CALL (619) 446-5210 FOR INFORMATION.

INFORMATION  
BULLETIN  
**505**  
AUGUST 2003

This Information Bulletin discusses the appeal procedure for Development Permits processed in accordance with Processes Two, Three and Four.

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, Division 5, discretionary projects processed in accordance with Processes Two, Three and Four are appealable to higher decision-making levels. Process Two decisions are appealable to the Planning Commission. Process Three decisions can be appealable to either the Board of Zoning Appeals or the Planning Commission, as more fully described in SDMC Chapter 12, Article 6 for the type of development and review required. Process Four decisions are appealable to the City Council. There is no local administrative appeal procedure for Process Five decisions.

All appeals must be made in accordance with the procedures listed in SDMC Chapter 11, Article 2, Division 4. All appeals must be made no later than 5:00 p.m., Pacific Standard Time, within ten (10) business days of the original decision date (Process Three and Four), and within twelve (12) business days of the original decision date for Process Two decisions only. Business days are defined within SDMC Sections 113.0103 and 21.04.

Only those persons or agencies qualified as "Interested Persons" in accordance with SDMC Section 113.0103 shall be permitted to file an appeal of a Process Three or Four project. Process Two projects may be appealed by any person.

Any questions regarding specific projects should be referred to the assigned Development Project Manager.

### I. APPEAL CRITERIA

The following criteria will be used in determining the valid filing of an appeal:

- ☐ Fully completed Development Permit Appeal Application (DS-3031)
- ☐ Original signature of appellant on Development Permit Appeal Application (DS-3031)
- ☐ Completion of "Reason for Appeal"
- ☐ Payment of Appeal Fee
- ☐ All above items submitted to the appropriate location prior to 5:00 p.m. at the end of the appeal period. **Faxed appeals are not accepted.**

### Documents referenced in this Information Bulletin

- San Diego Municipal Code
- Development Permit Appeal Application (DS-3031)
- Council Policy 600-24 - Community Planning Groups

### II. FEES

A \$100 Appeal Fee is required in all instances, except for those filed by the recognized Community Planning Group (see Note below). Contesting of the appeal fee requirement must be made prior to the end of the appeal period, with a final determination made prior to the end of the appeal period. Failure to provide the appeal fee as required prior to the end of the appeal period shall constitute an invalid appeal.

**NOTE:** The Appeal Fee shall only be waived for appeals filed by the recognized Community Planning Group (Reference Council Policy 600-24). When a recognized Community Planning Group files an appeal, the Appeal Form must be signed by the current Chair or President of the applicable group, acting on behalf of the Community Planning Group. The current Chair or President will be verified by the most updated list maintained by the City of San Diego Planning Department.

### III. FILING LOCATION FOR APPEALS

**Process Two** - City of San Diego, Planning Department, 202 "C" Street, 5<sup>th</sup> Floor, San Diego, CA 92101. Phone: (619) 236-6479.

**Process Three** - City of San Diego, Planning Department, 202 "C" Street, 5<sup>th</sup> Floor, San Diego, CA 92101. Phone: (619) 236-6479.

**Process Four** - City of San Diego, City Clerk's Office, 202 "C" Street, 2nd Floor, San Diego, CA 92101. Phone: (619) 533-4000.

### IV. INVALID APPEALS

Failure to provide any of the required items in the above checklist (see Section I, Appeal Criteria) by the end of the appeal period, or appeals made by those person(s) not qualified as an "interested person" (for

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DS-5505 (8-03)

Process 3 and 4 decisions only) shall constitute an invalid appeal. In this instance, the initial decision by the Process Two, Three or Four decision maker shall be the final decision of the City of San Diego.

#### **V. APPEALS TO THE COASTAL COMMISSION**

For those projects within the Appealable Jurisdiction of the Coastal Overlay Zone (as noted on Map C-730, and defined by SDMC Section 113.0103), appeals of the final decision of the City of San Diego may be made to the California Coastal Commission in accordance with procedures set forth in SDMC Section 126.0710. Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. Phone (619) 767-2370. Appeals must be filed within 10 working days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department.